

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMERZBANK AG,

Plaintiff,

-against-

THE BANK OF NEW YORK MELLON, et
ano.,

Defendants.

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 1/6/2020

15-CV-10029 (GBD) (BCM)

ORDER

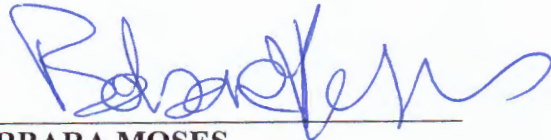
BARBARA MOSES, United States Magistrate Judge.

Plaintiff's challenge to certain of defendants' privilege designations (Dkt. No. 169) implicates significantly broader issues than defendants' corresponding challenge (Dkt. No. 167, resolved at Dkt. No 317), and seeks the production of many more documents. Given the pendency of the parties' fully-briefed summary judgment motions (Dkt. Nos. 268, 272), which are scheduled for oral argument on February 13, 2020, the Court has concluded that it would be inefficient to rule on plaintiff's privilege challenges at this time. A grant of summary judgment, even as to limited claims or defenses, could render some or all of the withheld documents irrelevant to any issue still in dispute, and consequently moot the privilege challenge as to those documents.

Plaintiff may renew its challenge by submitting a letter, within 30 days of the decision on the summary judgment motions, identifying which of the documents withheld or redacted on privilege grounds are relevant to the claims and defenses remaining to be tried, and consequently which of its challenges it wishes to press. Defendants may respond within one week.

Dated: New York, New York
January 6, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge